

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THE UNITED STATES OF AMERICA

v.

TOUMANI THOMAS

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Crim. No. DKC-10-0051

Civil No. DKC-16-1872

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EMERGENCY SUPPLEMENTAL AUTHORITY

Petitioner, Toumani Thomas, through undersigned counsel, James Wyda, Federal Public Defender, and Paresh S. Patel, Assistant Federal Public Defender, hereby files supplemental authority in support of his pending motion to set aside the judgment in this case on Count Two pursuant to 28 U.S.C. § 2255. *See* ECF Nos. 30, 32, 33-1.

In *United States v. Taylor*, ___ F.3d ___, 2020 WL 6053317 (4th Cir. 2020), the Fourth Circuit recently held that attempted Hobbs Act robbery is no longer a “crime of violence” under 18 U.S.C. § 924(c). Therefore, Mr. Thomas’s § 924(c) conviction (Count Two), which was predicated on attempted Hobbs Act robbery, is now void and must be vacated.

In light of *Taylor*, Mr. Thomas respectfully requests that this Court grant his § 2255 motion immediately and either impose the same sentence of 63 months imprisonment on his remaining count of conviction (Count One— attempted Hobbs Act robbery) or *if the government requests it*, conduct an immediate resentencing under the sentencing package doctrine. *See Dean v. United States*, 137 S. Ct. 1170, 1176 (2017); *United States v. Smith*, 115 F.3d 241, 244 (4th Cir. 1997).

But either way, Mr. Thomas strongly urges this Court to expedite the resolution of his case because he has now been imprisoned for eleven years—almost six years beyond the top of his new sentencing guidelines range of 51 to 63 months imprisonment.

Respectfully submitted,

JAMES WYDA
Federal Public Defender

_____/s/_____
PARESH S. PATEL
Assistant Federal Public Defender
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October 2020, a copy of the foregoing pleading was delivered via electronic filing to David I. Salem, Assistant United States Attorney, Office of the United States Attorney, 6406 Ivy Lane, Ste. 800, Greenbelt, Maryland 20770.

_____/s/_____
PARESH S. PATEL